

**KELLER AND HECKMAN LLP**

1001 G STREET, N.W.  
SUITE 500 WEST  
WASHINGTON, D.C. 20001  
TELEPHONE (202) 434-4100  
FACSIMILE (202) 434-4646

25 RUE BLANCHE  
B-1060 BRUSSELS  
TELEPHONE 32(2) 541 05 70  
FACSIMILE 32(2) 541 05 80

WWW.KHLAW.COM

JOSEPH E. KELLER (1907-1994)  
JEROME H. HECKMAN  
WILLIAM H. BORGHESE, JR.  
MALCOLM D. MACARTHUR  
WAYNE V. BLACK  
TERRENCE D. JONES  
MARTIN W. BERCOVICI  
JOHN S. ELDRED  
RICHARD J. LEIGHTON  
ALFRED S. REGNERY  
DOUGLAS J. BEHR  
RAYMOND A. KOWALSKI\*  
MICHAEL F. MORRONE  
JOHN B. RICHARDS  
JEAN SAVIGNY\*  
JOHN B. DUBECK  
PETER L. DE LA CRUZ  
MELVIN S. DROZEN  
RALPH A. SIMMONS  
RICHARD F. MANN

C. DOUGLAS JARRETT  
SHEILA A. MILLAR  
GEORGE G. MISKO  
PATRICK J. HURD  
JUDITH SAPP  
DAVID G. SARVADI  
CATHERINE R. NIELSEN  
JEAN-PHILIPPE MONTFORT\*  
JUSTIN C. POWELL  
GEORGE BRENT MICKUM, IV  
ELLIOT BELILLOS  
COLETTE FERRIS-SHOTTON\*  
ARTHUR S. GARRETT III  
ROBBIE S. PITT  
ELIZABETH N. HARRISON  
JOHN B. RODGERS  
JOAN C. SYLVAIN\*  
MARTHA E. MARRAPESE  
NICOLE B. DONATH

DEBORAH ROSEN WHITE  
DAVID R. JOY  
FREDERICK A. STEARNS  
TODD A. HARRISON\*  
JOHN F. FOLEY  
TONY RUSSELL EPPS  
THOMAS C. BERGER  
RACHIDA SEMAIL\*  
JOHN DOBINSON\*  
JOHN F.C. LUEDKE  
KOMAL J. HERSHBERG\*  
PAULA DEZA  
JOHN B. O'LOUGHLIN, JR.  
JENNIFER A. GOLDSTEIN\*  
DEVON WM. HILL\*  
DANIEL QUINTART\*  
TASHIR J. LEE  
AMY E. FORTENBERRY\*  
ANN M. BOECKMAN\*

\*NOT ADMITTED IN D.C.  
\*RESIDENT BRUSSELS

SCIENTIFIC STAFF  
DANIEL S. DIXLER, Ph. D.  
CHARLES V. BREDER, Ph. D.  
ROBERT A. MATHEWS, Ph. D., D.A.B.T.  
JOHN P. MODDERMAN, Ph. D.  
(1944-1998)  
HOLLY HUTMIRE FOLEY  
JANETTE HOUK, Ph. D.  
LESTER BORODINSKY, Ph. D.  
THOMAS C. BROWN  
MICHAEL T. FLOOD, Ph. D.  
ANDREW P. JOVANOVIICH, Ph. D.  
ANNA GERGELY, Ph. D.  
STEFANIE M. CORBITT  
JUSTIN J. FREDERICO, Ph. D.  
RACHEL F. JOYNER  
ELIZABETH A. HEGER  
TELECOMMUNICATIONS  
ENGINEER  
RANDALL D. YOUNG  
WRITER'S DIRECT ACCESS

April 26, 1999

(202) 434-4144  
Bercovici@khlaw.com

RECEIVED  
APR 26 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TWD 204  
Washington, D.C. 20554

Re: Development of Operational, Technical and  
Spectrum Requirements for Meeting Federal,  
State and Local Public Safety Agency Communication  
Requirements Through The Year 2010, WT Docket No. 96-86;  
Report of Ex Parte Communications

Dear Secretary Salas:

On Monday, April 19, an ex parte presentation was made to D'wana Terry, Chief, Private Wireless Division, Wireless Telecommunications Bureau, and Herbert Zeiler, Deputy Chief, by Randall Young and the undersigned, both of Keller and Heckman; and a further ex parte presentation was made on Wednesday, April 21, by Peter LaPlaca, President of Safety Tech Industries (STI) and the undersigned to Herbert Zeiler, Eugene Thompson and Michael Wilhelm, all of the Wireless Telecommunications Bureau. Both presentations concerned the request of Safety Tech Industries for reconsideration of the Commission's First Report and Order in WT Docket No. 96-86 in order to make provision for low power on-scene/personnel accountability reporting systems (on-scene/PAR systems).

The presentation on Monday, April 19, addressed matters in the record of the proceeding, specifically including (i) that no party had opposed the STI petition for reconsideration, and (ii) that no other party had requested a frequency set aside from the 700 MHz band public safety

Pl. of Cert. res'd 04/1  
List A CODE

Magalie Roman Salas  
April 26, 1999  
Page 2

allocation for a specific communications use. These considerations are reflected in the Reply of STI to Responses to Petitions for Reconsideration, submitted February 23, 1999 in the WT Docket No. 96-86 proceeding.

The presentation on Wednesday, April 21, consisted of a demonstration of prototype units of the STI on-scene/PAR system. The demonstration employed three self-contained breathing apparatus masks outfitted with the STI MaskCom® system and a vehicle equipped with the mobile command center equipment. The mobile command center both provides communications with personnel wearing the MaskCon equipped SCBA units and contains the computer systems which provide the personnel reporting, tracking and alarming functions. The demonstration reflected the system characteristics set forth in the STI Petition for Reconsideration.

Two substantive issues arose in the context of these meetings. First, STI confirmed that the frequency allocation requested from the 700 MHz band General Use pool, consisting of a compliment of five 12.5 kHz bandwidth paired contiguous channels plus one separate 12.5 kHz paired channel (or 10 plus 2, 6.25 kHz channel pairs), was designed for, and is adequate to provide, protection against roll-off interference from adjacent channel, full power mobile operations. The voice channels are most susceptible to harmful interference. Consequently, the voice channels will be placed within the center of the five channel bandwidth. Data channels, which are less susceptible to harmful interference, will be placed on either end. The requested channel allotment further provides separation for the homing signal, which will utilize the separated 12.5 kHz channel. This separation also is designed to protect against interference to the communications channels. Accordingly, no guard band is being requested to otherwise protect the on-scene/PAR systems from adjacent channel roll-off.

In the context of the foregoing discussion, inquiry was made concerning the potential for interference during early system deployment from UHF television operations. STI noted that its Petition for Reconsideration had identified optimum channels within the band plan adopted by the Commission for operation of the on-scene/PAR systems, and the specified channels were selected in order to minimize the potential for harmful interference from UHF television operations. The requested channel assignments lie outside of the UHF television video signal. Specifically, the channels requested are General Use channels 923-932 and 1883-1892 for the voice and data operations, and General Use channels 1-2 and 961-962 for the homing signal frequency, to comprise the six paired channels requested. *See, Petition for Reconsideration at Section III. B.1.*

Secondly, an issue was raised concerning whether the reservation of channels for on-scene/PAR system operation should be preserved indefinitely, or whether if the frequencies are not employed for the designated use within a specified time, the Regional Planning Committees should be empowered to override the on-scene/PAR designation and assign the channels for general use. STI acknowledged that the RPCs should have the flexibility to assign the channels

Magalie Roman Salas  
April 26, 1999  
Page 3

for general use if not licensed for on-scene/PAR system operation within a reasonable period of time. A time frame for authorizing the RPCs to override the on-scene/PAR channel designation of five to ten years was discussed. Factors suggested by STI in determining the relevant time period include the small portion requested of total spectrum available<sup>1/</sup>, the need to clear UHF television operations from the band in a number of major metropolitan areas -- which will not occur until 2006, and the time until the band is available for full public safety use -- which first will require development of a common air interface for digital interoperability and then the ramp-up of equipment manufacturing production lines for the primary mobile communications operation within the band.

An original and one copy of this report is herewith submitted. Should there be any questions concerning the foregoing, please feel free to communicate with the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "Martin W. Bercovici", written over a horizontal line.

Martin W. Bercovici

cc: D'wana Terry  
Herbert Zeiler  
Eugene Thompson  
Michael Wilhelm  
Peter LaPlaca

---

<sup>1/</sup> The requested channels constitute less than 2% of the 1,248 General Use 6.25 kHz 700 MHz band channels provided by the Commission in the First Report and Order.